

**REGISTER NUMBER: 858**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: **10/05/2012**

Case number: **2012-0405**

Institution: **Fusion for Energy**

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

**1/ Name and address of the controller**

Hans Jahreiss  
c/Josep Pla, n° 2  
Torres Diagonal Litoral  
Edificio B 3  
08019 Barcelona

**2/ Organisational parts of the institution or body entrusted with the processing of personal data**

Administration Department

**3/ Name of the processing**

Staff performance appraisal

**4/ Purpose or purposes of the processing**

The appraisal system aims at evaluating the staff member's efficiency, abilities and conduct in the service.

**5/ Description of the category or categories of data subjects**

F4E staff members who, for a continuous period of at least one month during the reporting period were in active employment or seconded in the interest of the service.

**6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)**

Factual data:

- i. Name, surname, personal number, category and grade/function group and grade, job title.
- ii. Reporting officer's and Countersigning officer's details: name and department.
- i. The date of the dialogue which took place between the Reporting officer and the staff member,

Evaluation data:

- ii. Job description – main functions and duties of the post,
- iii. The self-assessment produced by a staff member,
- iv. Assessment of the staff member efficiency, competencies and conduct in the service,
- v. Level of responsibilities and the principal languages used at work,
- vi. Overall assessment of the staff member,
- vii. Objectives for the next appraisal period and training and development needs,
- viii. Countersigning officer comments (if any),
- ix. Staff member's comments on the appraisal report (if any). appraisal reports from previous years

**7/ Information to be given to data subjects**

A specific privacy notice has been published in the F4E intranet, providing staff members with the information required under Articles 11 and 12 of the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

In addition, the information for staff members on the launching of a yearly performance appraisal contains a data protection clause stating that applicants' personal data are processed as required by Regulation (EC) No 45/2001.

**8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)**

Data subjects have the right of access to all their personal data (factual and evaluation data) and they are provided with a copy of their evaluation reports. They can also obtain access to all documents in their personal file – even after leaving the service – as provided for in Article 26 of the Staff Regulations, as well as in Articles 11(1) and 81 of the CEOS.

Data subjects have also the right to rectify any factual data that are inaccurate or incomplete, through a request to Data Controller. As regards evaluation data, data subjects can make comments on them, as foreseen in Article 43 of the Staff Regulations, as well as in Articles 15(2) and 87 of the CEOS. Furthermore, evaluation data can be rectified in appeal procedures before the Joint Evaluation Committee. Revised reports are then added to personal file.

Data subjects have also the right to obtain from Data Controller blocking or erasure of their data.

When a data subject contests the accuracy of his/her factual data, the relevant data are immediately blocked for a period necessary for verifying the accuracy and completeness of the data, not exceeding 15 working days. If data subject requests data to be erased for s/he considers their processing unlawful, F4E erases the relevant data. Should the data subject have any queries, s/he shall address them in writing to the Data Controller at the following address:

**9/ Automated / Manual processing operation**

Automated – the staff appraisal exercises are managed through eAppraisal application (dedicated IT tool).  
Manual – in proceedings before the Joint Evaluation Committee (the appeal, report and supporting documents are submitted on paper).

#### **10/ Storage media of data**

Electronic files:

All data are stored in eAppraisal database.

Paper files:

Final version of the report and related documents (if any) are kept in a personal file.

#### **11/ Legal basis and lawfulness of the processing operation**

Legal basis:

Article 43 of Staff Regulations of Officials of the European Communities (“Staff Regulations”); and  
Article 15(2) and 87(1) of Conditions of Employment of Other Servants (“CEOS”);

- read in conjunction with Article 6 of Council Decision 198/2007/Euratom and Article 10(2) of the Statutes annexed thereto.

Decision of the Director of the European Joint Undertaking for ITER and the Development of Fusion Energy relating to staff performance appraisal (issued annually).

Lawfulness of the processing operation:

- Processing operation is necessary for the performance of F4E tasks on the basis of the F4E founding instrument or other legal instrument adopted on the basis thereof or in the legitimate exercise of official authority vested in F4E or in a third party to whom the data are disclosed (Regulation (EC) 45/2001, Article 5 (a));

#### **12/ The recipients or categories of recipient to whom the data might be disclosed**

Human Resources officers in charge of appraisal exercises

Human Resources Head of Unit

Head of Administration Department

Secretary to the Head of Administration Department

Appointing Authority – F4E Director

Assistant and secretary to the Director

Hierarchical superiors: Reporting Officer, Countersigning Officer and their secretaries

Members of the Joint Promotion and Evaluation Committee.

Fusion for Energy Legal Advisor: in case of a dispute

Internal Auditor (for audit purposes)

Court of Auditors (for audit purposes)

European Ombudsman (upon justified request)

Court of Justice of the European Union (upon justified request)

OLAF (upon justified request)

#### **13/ Retention policy of (categories of) personal data**

Career development reports are being kept in the personal files for up to five years after termination of employment (or the last pension payment).

**13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)**

For blocking:

- immediately, when the data subject contests the accuracy of his/her factual data - the relevant data are blocked for a period necessary for verifying the accuracy and completeness of the data, not exceeding 15 days, or
- when data subject requires data be blocked because s/he considers the processing unlawful or when s/he considers that data are no longer needed by F4E for the accomplishment of its tasks but have to be blocked for purpose of proof - as soon as possible and in any case not later than within 15 working days from the day the data subject's request reached F4E.

For erasure:

- as soon as possible and in any case not later than within 15 working days from the day the data subject's request for erasure reached F4E.

**14/ Historical, statistical or scientific purposes**

*If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,*

For statistical purposes data on F4E staff appraisal may be kept, anonymously, for a period of thirty years.

**15/ Proposed transfers of data to third countries or international organisations**

N/A

**16/ The processing operation presents specific risk which justifies prior checking (please describe):**

AS FORESEEN IN:

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

**17/ Comments**

**PLACE AND DATE:** Barcelona,

**DATA PROTECTION OFFICER:** Radoslav Hanak

**INSTITUTION OR BODY:** The European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy)

*To be filled out in the EDPS' office*